

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

LAMAR MCFADDEN  
a/k/a "Jamar Smith"

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Hon. Dennis M. Cavanaugh

Crim. No. 12-155 (DMC)

ORDER

This matter having come before the Court on the joint application of Paul J. Fishman, United States Attorney for the District of New Jersey (by Nicholas P. Grippo, Assistant U.S. Attorney), and defendant Lamar McFadden (by Lorraine Gauli-Rufo, Assistant Federal Public Defender), for an order granting a continuance of the proceedings in the above-captioned from July 23, 2012 through October 29, 2012 to allow the parties to conduct plea negotiations and attempt to finalize a plea agreement, and the defendant being aware that he has the right to have the matter brought to trial within 70 days of the date of his appearance before a judicial officer of this Court and that a continuance shall serve a delay a trial in this matter, and the defendant through her attorney having consented to the continuance, and no prior continuances having been granted by the Court; for good and sufficient cause shown,

IT IS THE FINDING OF THIS COURT that this action should be continued for the following reasons:


1. Plea negotiations currently are in progress, and both the United States and the Defendant seek additional time to achieve a successful resolution of these negotiations, which would render trial of this matter unnecessary;
2. Defendant has consented to the aforementioned continuance;
3. The grant of a continuance will likely conserve judicial resources; and

4. Pursuant to Title 18 of the United States Code, Section 3161(h)(7), the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial.

**WHEREFORE**, it is on this 6<sup>th</sup> day of <sup>AUG</sup>~~July~~, 2012,

**ORDERED** that this action be, and hereby is, continued from July 23, 2012 through October 29, 2012; defense motions, if any, are to be filed by November 26, 2012, opposition to defense motions are to be filed by December 11, 2012, motions shall be heard on December 26, 2012, and the trial shall be scheduled for January 7, 2012, absent any other reason to continue the proceedings; and it is further

**ORDERED** that the period from July 23, 2012 through October 29, 2012 shall be excludable in computing time under the Speedy Trial Act of 1974, pursuant to Title 18 United States Code, Section 3161.

  
HONORABLE DENNIS M. CAVANAUGH  
UNITED STATES DISTRICT JUDGE